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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Eighteenth session

SUMMARY RECORD OF THE 12th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 5 May 1998, at 10 a.m.

Chairperson: Mr. GRISSA

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

(agenda item 6) (continued)

Third periodic report of Poland (continued) (E/1994/104/Add.13; HRI/CORE/1/Add.25; E/C.12/A/POL/1; E/C.12/Q/POL/1; HR/CESCR/NONE/98/3)

1. At the invitation of the Chairperson, the members of the Polish delegation resumed their places at the Committee table.

Article 9 of the Covenant: The right to social security (continued)

2. The CHAIRPERSON invited the Polish delegation to reply to the questions on article 9 of the Covenant (right to social security) asked by the Committee at the preceding meeting.

3. Mr. DRZEWICKI (Poland) said that, in accordance with article 10 of the 1962 Law on Polish Citizenship, a foreign woman who had married a Polish man must apply to the competent authorities for Polish citizenship within three months of the marriage. A foreign man who married a Polish woman was not bound by that obligation. That provision was obviously discriminatory and was not included in the citizenship bill currently under consideration by Parliament.

4. Mr. JAKUBOWSKI (Poland) said that ILO Convention No. 102 on social security (1952) had not yet been ratified by Poland for the simple technical reason that statistical data on wages had been lacking. The problem had been solved and the Convention was now in the process of being ratified.

5. In Poland, 18 per cent of the working population held two jobs while the unemployment rate was 10.6 per cent. The Government was not taking any steps to prevent that practice because such persons were highly qualified (university professors and lawyers, for example) and were therefore not registered as unemployed.

6. Farmers had a separate pension scheme which was 96 per cent financed by the State and 4 per cent by the farmers themselves. Pensions were very low - about 400 zlotys, or US$ 120, a month. Two persons forming a couple could each receive such a pension.

7. There was also a health insurance scheme which was wholly financed by the farmers themselves. The grace period for receiving sick benefits was 30 days.

8. Ms. JIMENEZ BUTRAGUEÑO asked whether the new law on pensions would make the situation of pensioners worse.

29. In Poland, as in many other countries, abortion legislation was likely to change as the Government changed, as was the case in all democracies. Current regulations allowed abortion in four specific cases: when the pregnancy endangered the life or health of the pregnant woman; when prenatal examinations revealed the existence of a genetic anomaly or incurable disease seriously endangering the survival of the foetus; when there were sufficient reasons to believe that the pregnancy had resulted from a crime such as rape or incest; and when the pregnant woman was experiencing difficulties in her personal or social life. However, the Constitutional Court had recently stated that the latter provision violated the right to life proclaimed in the Constitution. The Government therefore needed to amend either the legislation or the Constitution. He nevertheless pointed out that the drop in the number of abortions in Poland had started well before the anti-abortion legislation had been adopted in 1993. The statistics indicated that the number of abortions had fallen from 105,000 in 1988 to 11,600 in 1992, although abortion was still being practised freely. In reply to another question, he stated that women without an income were entitled to a monthly allowance of about US$ 100 as of the eighth month of pregnancy.

30. To answer the Committee's questions on how to obtain Polish citizenship, he read out extracts of the 1962 Law on that question. According to article 4 of that Law, a child was born Polish if both parents were Polish citizens or if one parent was Polish and the other was unknown, of unknown nationality or stateless. Under article 5, any child born or found on Polish territory acquired Polish citizenship if both parents were unknown, if their nationality was unknown or if they were stateless. Article 6 stipulated that, when one of the parents was a Polish citizen and the other a citizen of another State, the child was Polish by birth. However, the parents could, on behalf of the child, make a joint statement within three months of its birth that the child had opted for citizenship of the other State. In the absence of agreement between the parents, each of them could, within three months of the birth of the child, apply to the courts to make a decision on the matter. A child who had obtained foreign nationality by virtue of one of those two provisions could ask for Polish citizenship as of age 16, but before the age of majority.

31. The Government intended to amend the legislation in order to set the legal age for marriage at 18 years for girls and for boys. As an exception, a girl could be authorized to marry at age 16, but, in most cases, such a decision was designed to regularize the situation of young girls who were pregnant.

32. A request for abortion following a crime had to be approved by a public prosecutor. If the request was made for medical reasons, it should be accompanied by a medical certificate issued by a doctor other than the one performing the abortion. For legally incapable minors or adults, permission must be granted by the legal guardian or by the court.

33. Mr. DRZEWICKI (Poland) explained that the minimum age for admission to employment had been changed in 1997. Henceforth, children aged under 16 were allowed to work only part-time in the context of a vocational training programme.

34. The 1993 Family Planning Act provided not only for the protection of the foetus, but also for the implementation of a genuine plan of action, which had recently led to the organization of sex education classes in schools. The next report should contain more information on that question.

Article 11: The right to an adequate standard of living

35. Mr. RIEDEL, noting that the law did not offer any redress against an eviction order for tenants who could not afford a rent increase, asked whether there was any rent control. What happened to tenants when the owner wanted to take back an apartment for his own personal use and where no alternative housing was provided? Were there squatters in large Polish cities?

36. He also wished to know what effect the housing crisis was having on young households and large families, since, according to tables 55 to 58 of the report, the supply of readily habitable apartments was getting smaller and smaller. Lastly, considering that one of the Government's priority objectives was privatization of the real estate market and the purchase of apartments on a co-ownership basis was beyond the reach of the majority of the population, he asked to what extent a low-cost housing policy was still being applied.

37. Mr. CEVILLE asked how the Polish Government intended to reconcile the new legislative provisions authorizing evictions without any promise of rehousing with the provisions of the Covenant making it binding on States parties to take appropriate measures to guarantee the right to adequate housing, with the provisions of article 17 of the International Covenant on Civil and Political Rights which protected persons against unlawful interference with their home and, lastly, with the Committee's General Comment No. 7 (1997) on the right to adequate housing (forced evictions).

38. Mr. PILLAY said that the Polish Government's written reply to question 37 concerning the fate of homeless persons was insufficient. In view of the housing shortage, the high unemployment rate and the incidence of poverty in Poland, the number of homeless persons must be fairly high. Were there any statistics in that regard? Did the homeless die of cold in the streets? If so, what measures had been taken to prevent that from happening again? Had the Government started to build housing, as promised, to rehouse the poorest families affected by the floods in 1997?

39. Mr. ADEKUOYE said that he would like further details on the status of the housing programme for 1996-2000, as well as on the total number of persons employed in the housing sector. Since he was also concerned about the effects of economic liberalization on property and housing speculation, he wished to know whether there was a law regulating that issue.

40. The CHAIRPERSON gave the floor to the Polish delegation.

41. Mr. DRZEWICKI (Poland) assured the members of the Committee that the Polish State did not intend to shirk its responsibilities in the area of housing. Reforms in that sector were nevertheless taking place in several stages. For example, local authorities would be playing a greater role in

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providing affordable housing and rehousing evicted persons. That system was only just beginning to bear fruit. The next report would indicate the progress being made.

42. The Polish Government was also committed to strengthening the protection of property rights. There was a growing number of religious and civil non-profit organizations which offered assistance to the homeless. Although the eviction law had been relaxed, it was very difficult to apply and actual evictions were the exception.

43. Mr. JAKUBOWSKI (Poland) said that there still was no text governing property speculation. In accordance with a law scheduled to enter into force by the end of the year, however, private individuals would be able to purchase apartments or houses currently managed by the authorities and would be free to set the rents. The entry into force of that law would probably mean that the authorities or the State would have to introduce some kind of rent control, if only temporarily, in order to prevent anarchy.

Article 12: The right to health

44. The CHAIRPERSON, speaking as a member of the Committee, said that the information given pointed to high levels of pollution and serious environmental degradation in Poland. What was the effect of these two problems on public health? In many former Communist countries, moreover, economic liberalization had been accompanied by a significant increase in alcoholism. What effects did that have on human health and what measures were being taken to deal with the situation? Per capita cigarette consumption also seemed to be very high in Poland. What was the Government doing to combat tobacco smoking, especially in young people?

45. Mr. CEAUSU said that he would like to know the reasons for the deterioration in the situation in respect of cardiovascular disease and cancer, which paragraph 433 of the report too readily referred to as "diseases associated with civilization". As far as cancer was concerned, had there been any noticeable negative effects from the Chernobyl accident on the health of the population? If so, what measures had been taken by the authorities to remedy the situation? Did projects financed by international assistance have any positive effect on the health services in Poland?

46. The CHAIRPERSON gave the floor to the Polish delegation.

47. Mr. JAKUBOWSKI (Poland) said that the Government had recently implemented two programmes designed to combat cardiovascular disease and cancer. One preliminary result was that cardiovascular diseases had been the cause of only 50 per cent of registered deaths in 1997, as against 53 per cent in 1993. A national anti-cancer programme had been adopted in 1997, with breast cancer as the top priority. In that connection, the Government had provided hospitals with the necessary mammogram equipment. As to smoking, a law had been adopted that prohibited tobacco advertising on television and in the press, smoking in public places (except in places specifically reserved for that purpose) and the sale of cigarettes to minors.

48. Ms. BORUTA (Poland), replying to Mr. Ceausu's question, said that the research carried out on the effects of the Chernobyl accident had not produced reliable information. As to the impact of international assistance on the restructuring of the health system, a World Bank subsidy had served to finance the anti-cancer programme. With regard to alcoholism, the Government had created the post of coordinator of measures to combat that problem which would be financed by the national budget.

49. Mr. ANTANOVICH, noting that current medical practice was increasingly more focused on prevention, asked what system of preventing cardiovascular diseases was in place. He also wished to have more details on the health services and on health insurance for the elderly.

50. Ms. JIMENEZ BUTRAGUEÑO noted that high cholesterol levels were one of the causes of cardiovascular diseases. Was there a campaign, in the context of prevention policy, to make the population aware of the benefits of a balanced diet?

51. The CHAIRPERSON gave the floor to the Polish delegation.

52. Mr. JAKUBOWSKI (Poland) said that the national programme for the prevention of cardiovascular diseases had two objectives: to bring about a behavioural change in the population and to set up health centres for persons suffering from heart problems. There were no health services designed especially for the elderly.

53. Polish eating habits were not among the healthiest in the world, basically for reasons related to the country's history and geography. However, the Government was determined to change people's attitudes in that regard, particularly by making schoolchildren aware of the importance of a healthy diet.

Articles 13 and 14 of the Covenant: The right to education

54. Mr. PILLAY asked what measures the Government had taken to ensure that non-Catholic students in nursery and primary schools did not receive Catholic religious education. Sex education seemed to be based on textbooks which were strongly influenced by the Catholic religion. What measures had the Government taken to promote a secular approach to sex education?

55. There seemed to be no procedure in place to protect children from abuse by teachers. Of utmost concern was the fact that teachers who resorted to corporal punishment could not be sued. Did the Polish Government plan to abolish that practice in the context of the educational reforms?

56. Mr. THAPALIA said that reduced spending on higher education was a regressive step which was inconsistent with the promotion of free education. No effort had been made to increase the number of girls in technical education, with some schools going as far as to refuse to admit girls. What was the proportion of girls in higher education?

57. He also pointed out that, whereas the languages of most national minorities were taught in primary and post-primary schools, that was not the

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in violence and juvenile delinquency had nothing to do with the abolition of corporal punishment in Poland, which dated back a long time. That problem was more the result of Polish society's move towards greater freedom.

74. Mr. DRZEWICKI (Poland) said that corporal punishment had been abolished in the 1940s and that the rise in delinquency was probably the fault of the media. Violence against teachers had first been observed in Poland in 1997.

75. Students could take optional morals classes instead of religious instruction, but, if they were too few in number or if there was no teacher with the required training, then they had to take the religion classes. However, that course of study was not mentioned at all on diplomas and was not taken into account for promotion. The same applied to sex education.

76. Ms. BORUTA (Poland) explained that the large number of women in universities had no social impact because the courses they chose did not conflict with those chosen by men.

Article 15 of the Covenant: The right to take part in cultural life

77. Mr. ANTANOVICH asked whether culture (buildings, events, programme implementation, etc.) was financed basically from the State budget or whether there were several sources of funding.

78. Ms. JIMENEZ BUTRAGUEÑO requested further details on the contribution of elderly persons to culture. Did they organize lectures, for example? What was the Government doing to facilitate their access to culture? Did they benefit from reduced rates to attend events or visit museums?

79. Mr. MARCHAN ROMERO asked why several libraries had been closed since 1993, and why there had been 310 fewer cultural houses, centres, clubs and common rooms since then (paras. 554-575 of the report)? What was the Government doing to deal with the situation? Paragraph 595 also said that "within the last few years important changes in the functioning or the cultural system have occurred as a result of the transformation of the political and economic systems". What were those changes?

80. Mr. WIMER asked what had become of the cultural complexes and the whole system put in place for workers and young people during the Communist era. Who owned television stations in Poland and what proportion was owned by the Polish State?

81. Mr. AHMED asked about the Government's policy on ethnic groups in Poland which had their own culture, language and traditions. Was it a policy of mutual exchange, one that was respectful of the specificities of those groups or was it a policy of assimilation in the short term and the long term? Was there a Ministry of Culture and the Arts separate and apart from the Ministry of Education?

82. The CHAIRPERSON invited the Polish delegation to answer the questions.

83. Mr. DRZEWICKI (Poland), replying to Mr. Ahmed's questions, said that, after 1989, the Polish Government had abandoned any policy of cultural or

other assimilation of minorities and had preferred to leave it up to those groups to decide, on the basis of subjective criteria, what their national, ethnic, religious or other identity was. Those minorities had access, in public schools, to instruction in Lithuanian, Belarusian, Ukrainian and German. They were also free to create their own cultural or other associations and have their own newspapers written in their own languages and subsidized by the Ministry of Culture. Local public television stations also broadcast programmes in those minority languages at certain times.

84. As to foreign language teaching, the first foreign language was introduced in the fourth year of primary school and the second in secondary school. Up to 1989, Russian had been compulsory. Now, students could choose German, English, French or Russian depending on teachers' qualifications. They could also study Italian or Spanish. Lastly, there was indeed a Ministry of Culture and the Arts separate and apart from the Ministry of Education.

85. Ms. BORUTA (Poland) thanked the members of the Committee for having given Poland the possibility of engaging in constructive and fruitful dialogue with them and of sharing enriching thoughts on the current and future realization of economic, social and cultural rights in Poland. The Polish Government was determined gradually to guarantee the full exercise of the rights provided for in the Covenant.

86. The CHAIRPERSON thanked the delegation for its answers to the Committee's questions and for the constructive dialogue. He announced that the Committee had thus completed its consideration of Poland's third periodic report (E/1994/104/Add.13).

87. The Polish delegation withdrew.

The meeting rose at 1 p.m.